

THE
CALIFORNIAN
GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE

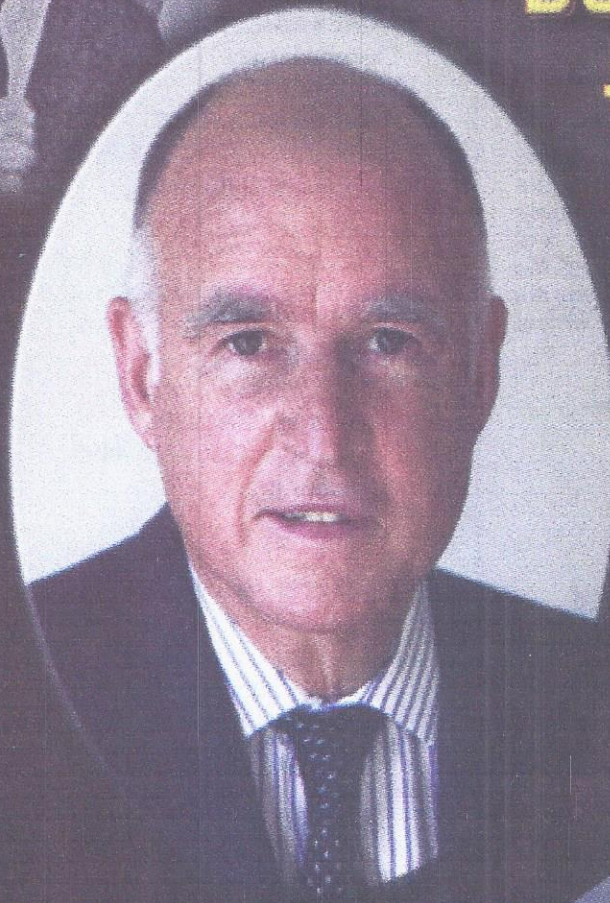
Volume 45 Issue 5

--GSMOL-- Advocating for Homeowner Rights Since 1962

September/October 2010

**WHAT
WILL
BROWN
DO
FOR
YOU?**

GSMOL-PAC
Endorses
Jerry
Brown
for
Governor
(See Page 7)



Periodical Dated Material

**More Success in the Courts!
See Page 9**

What are those extra numbers on the address label?

(MEMBERSHIP #) (EXPIRATION DATE M/Y)

Periodical Dated Material

155111 1011

JOHN DOE

1 CAPTIVE LANE SPC 5

SOMERSET, CA 95559

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Owners League, Inc.

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(See map on page 15 for new Zone boundaries.
Region numbers and boundaries remain the same.)

President's Report



**Jim Burr, GSMOL
State President**

Progress Report on Strategic Action Plan for 2010 /2011

Since the GSMOL Convention in April, the Board of Directors has been focused on revitalizing our organization, building on the good work of the past to make sure we can meet the challenges of the future. Since 2008, we have been working from a Strategic Action Plan to guide our development and improvement. Like everything else at GSMOL, this plan is a joint product of a lot of volunteer work by officers and other members. It evolves over time to meet the needs of an institution that has to change to meet new realities for manufactured home owners.

The current board began our planning process at the Biennial Convention in April and focused on the plan during the Board Strategic Planning Retreat in June. We built on the work done by a special committee established by the last Board, called the Business Improvement & Special Finance Action Team or BIFAT. Their preliminary work was approved by the Board in 2008 and enhanced more recently by the special committee, then incorporated into the plan that guides the current Board. With the work of BIFAT complete, we now have the challenge of fully implementing our action plan and that is our focus. It is likely that we will need a lot of other help going forward to make sure GSMOL continues to grow.

So that all GSMOL members can assess

our progress and determine how best each of you can contribute to our ongoing success, I want to summarize the elements of the action plan and report on our work since the strategic planning retreat four months ago.

The first Element is "Leadership Development" This strategy was identified as the most important means of assisting GSMOL in achieving its longer-term goal of increasing and retaining members. There are two key objectives with the progress noted for each, as follows:

1. Recruiting New Leaders. Since the convention, each Zone has recruited additional new Region Officers (Region Managers, Associates or Assistants) and this will continue to build momentum. In addition, Zone VPs Tim Sheahan, Craig Hull and I are making progress in recruiting new leaders in Zone C (LA, Orange and San Bernardino Counties), our most underserved Zone. We soon will have new Region 3 Officers in Los Angeles County.

2. Training New and Existing Leaders. This is a critical component. It will ensure that each leader, from Zone VP to Chapter President has a clear understanding of his or her duties and responsibilities, and has been given the skills and the tools necessary to carry out those duties to help GSMOL members.

- Marie Pounders, Region 8 Manager and Planning Consultant Michael Perri are in the final stages of revising the Chapter Presidents Manual and the Training Manual for Region Officers.

- Then, an introductory training session is planned for November for all Zone VPs. This is intended to "Train the Trainers" and will establish the model to use throughout the State starting in January.

Second Element; Improving Member's Database, Website & Other Tools.

It is equally important to note what is not one of the immediate objectives coming out of this retreat -- membership recruitment.

We are building toward that goal and leadership development is our current

strategy for accomplishing more effective member recruitment and retention. While some regions and chapters are recruiting new members, that is not our primary focus in 2010. Membership recruitment will be a primary part of our development of the leadership training and regional activities in the future.

By building a strong core of trained regional leaders as well as improving our database, our website and the administrative services provided by our home office staff, we will have the improved tools to more solidly recruit and work with new members as well as increased capacity to assist our current members. The progress to date is as follows:

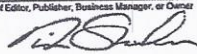
1. Zone D V.P. Tim Sheahan and I, with the assistance of Katie Coleman from the office, will soon complete the current upgrade of the GSMOL Website. In just three weeks, we terminated our webmaster, recruited, vetted and retained another who is committed to design the PayPal for online dues payment, Members Only Area, Inner-Circle Forum, and Chapter / HOA Affiliates Area. This is scheduled to be completed by September 30th, and we obtained donated funds to cover the additional costs.

2. Treasurer Bob Ogle and Brian Augusta, GSMOL Legislative Advocate and Consultant, along with Katie are working weekly on the elements of improving our membership database. They are researching the appropriate application software, location for the database and cost estimates. The goal is to complete the project by the end of the year.

3. Bob Ogle and I are working with a newly retained Employment Consulting Service to improve the quality of services from the home office administrative staff. We have completed the first of a series of Employee Performance Appraisals and are changing the employment status, revising the benefit package to current competitive standards and updating the Job Descriptions to fit our current needs.

Continued on page 4

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PS Form 3526, September 2007 (Page 2 of 3)

Progress Report on Strategic Action Plan for 2010 /2011

Continued from page 3

"GSMOL Education Fund" a 501 (c) (3). The Board of Directors is committed to finding other significant sources of funding, so that we are not as dependent on member's dues to fund all of our education and service efforts. So, as we seek to implement the Strategic Action Plan, our Corporate Council, Bruce Stanton recently concluded the first phase of establishing another nonprofit entity. It will be a separate entity governed by an independent Board of Directors. Jerry Bowles, Tim Sheahan and Legislative Advocate Brian Augusta are working with Bruce Stanton to conclude this by the end of the year. So far, the Education Fund Board of Directors will consist of a former State Senator, a GSMOL Board member and others.

By raising separate tax-exempt donations, the Education Fund will be able to underwrite many of the activities that help GSMOL members and our allies to better protect their basic home ownership rights. This will free up dues money to improve the other activities of the organization. Each of the steps we are taking are designed to make the organization more financially stable and more successful in protecting manufactured home owners. Our new leaders are already engaging with more parks in their regions and we anticipate more membership growth in the future.

We must recognize an important reality. We cannot conclude a report of this nature without recognizing one important reality. The implementation of the Strategic Action Plan will cause a significant change in the manner in which GSMOL functions. It will amount to a major paradigm shift. Therefore, we can expect that some of our leaders may not accept the change easily.

However, our choice is simple. We can continue with the status quo; the current reduction in members and dues income - then cease operations in the near future - or choose to turn the corner by expecting that each will do our part to make the changes necessary to return GSMOL to the vibrant manufactured home owners service and advocacy association it once was.

As your State President, I am committed to this plan and it will remain my primary focus until our membership decline ceases, a resurgence of members is underway and, as a result, we are serving members more effectively. I would be remiss, even irresponsible to our members if I were to do otherwise.

So again, we find ourselves in the middle of the proverbial river and we only have two choices. I urge all of you - new GSMOL leaders and long-time loyalists alike - to partner with the Board of Directors and submit to the changes that we must make to arrive safely to the other shore.

"ASK BRUCE"

DOES THE AMERICANS WITH DISABILITIES ACT (ADA) APPLY TO MOBILEHOME PARKS?



By: Bruce Stanton, Attorney

ABOUT THE AUTHOR: MR. STANTON HAS BEEN A PRACTICING ATTORNEY SINCE 1982, AND HAS BEEN REPRESENTING MOBILEHOME RESIDENTS AND HOMEOWNERS ASSOCIATIONS AS A SPECIALTY FOR OVER 20 YEARS. HIS PRACTICE IS LOCATED IN SAN JOSE, AND HE IS CORPORATE COUNSEL FOR GSMOL

We recently received a letter from a Chapter inquiring about the applicability of the Americans with Disabilities Act (ADA) to mobilehome parks. A clubhouse restroom in the park which pre-existed enactment of the ADA in 1990 is not ADA compliant and disabled residents are thus required to use bathroom facilities in their own homes before or after GSMOL meetings. This raises the following questions:

Since MH parks are private property, are they ever covered under the ADA?

If so, what areas of the park are covered?

If any portion of the park is covered, what does the park owner have an obligation to provide?

In a nutshell, the ADA is a Federal law which covers accessibility standards for places of "public accommodation", and all businesses and services which are open to the public or conduct business with the public directly.

The Act specifically provides that: "No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation by any person who owns, leases or operates a place of public accommodation. 42 U.S.C. sec. 12182(a). The ADA defines discrimination in a place of public accommodation to include "a failure to remove architectural barriers...in existing facilities...where such removal is readily achievable. 42 U.S.C. 12182 (b)(2)(A)(iv). The term "readily achievable" means "easily accomplishable and able to be carried out without much difficulty or expense. 42 U.S.C. sec. 12181 (9).

We thus need to answer the following questions:

What is a place of "public accommodation"? Does this only cover "public property" and not "private property like a mobilehome park"? The answer is: NO. While strictly residential facilities which are private do not fall within the definition of a "public accommodation", a facility which is operated by a private entity does come within the definition if it falls within a category listed in the statute. There are 12 categories listed, including "sales or rental establishments" and "service establishments". "Places of lodging" is also an enumerated category in the ADA law. Thus, the fact that a mobilehome park is not on public land, and is private property, does not automatically mean that the ADA does not apply to some of its facilities. This is only the start of the inquiry.

What portions of a park constitute places of "public accommodation"? There are two available sources which shine considerable light on this question. A 2008 California Appellate case called *Coronado v. Cobblestone Village Community Rentals* 163 Cal. App. 4th 831 holds that the rental office in an apartment complex is subject to the ADA,

since it is a business office open to the public and not residential in nature. It would constitute a "sales or rental; establishment" or a "service establishment". But the residential portions of the complex, including the private common areas, are NOT subject to the ADA, since they are not open to the public. This case notes that Federal Courts have consistently held that residential facilities such as apartments and condominiums are not subject to the ADA. The "places of lodging" category has been held to only apply to short-term or "transient lodging".

An Attorney General opinion letter provided to a resident of a Petaluma mobilehome park in 1996 (you can easily find it on line if you Google "ADA mobilehome parks") states that the residential dwelling units in the park are not covered by the ADA. The common area recreational facilities are also not covered where their use is restricted exclusively to residents and their guests. "However, if a residential community opens up common areas to general use by non-residents, it may lose its strictly residential character. For example, rental offices that are open to the public would be considered "rental establishments" or "service establishments" under Title III. Meeting rooms, if not restricted to tenants and their guests, would be places of public gathering covered by the ADA. Parking, entrances, access routes, and restrooms serving the areas covered by the ADA would also be covered." This opinion seems to say that if the clubhouse contains a rental office that is open to the public (as many parks do) and the park restrooms are provided for use of persons who come into the park to use the rental office, then the ADA applies to those restrooms. If the park's rental office was located in a different building, ADA coverage for the restrooms would be far less likely; i.e. one would have to show that any nearby meeting rooms are available for use by non-residents.

Continued on page 11

Zone B/Region 13 Report

By Zone B VP Jim Gullion

The first information for Zone B is very important for Tuolumne County. It is a report by Ms. Rosemary Tomai, President of the Homeowners' Coalition of Mobilehome Parks - Tuolumne County:

The Homeowners' Coalition Mobilehome Parks of Tuolumne County (HCMP-TC) sponsored a Special Meeting for the Golden State Manufactured-home Owners League, Inc. (GSMOL), September 9, 2010, at Mill Villa Estates Clubhouse, Jamestown, CA, to establish better communication between the two organizations. The purpose of the meeting was to educate and update mobilehome owners living in parks.

Our HCMP-TC Policy has always been "United We Stand - Divided We Fall". Park owners like it when homeowners fight among themselves. A perfect demonstration was presented at the beginning of the meeting when HCMP-TC President, Rosemary Tomai, asked GSMOL Zone B, Vice-President, James Gullion, to read sections from Title 25, specifically Section 1114; "Animals" (a): Dogs and other domestic animals, and cats (domestic or feral) shall not be permitted to roam at large (free) in any park. One of the attendees became agitated with Jim's report of the Law, stating she has three cats she lets roam loose with the collars and tags removed. She didn't agree with our leaders or the Law. Note: Authority cited: Sections 18300 and 18601, Health & Safety Code. California Law requires all pets be on leases whether in a park or not. Mobile/Manufactured home owners are governed by Local, State and Federal Laws.

Then the meeting became more cordial. President Tomai announced HCMP-TC members now have attorney access by

local Attorney Mark Borden. In the early 1990's, he started with HCMP-TC Attorney Kristine Awalt. He attended numerous hearings and meetings, but did not feel he could devote the necessary time then. Having followed HCMP-TC over the years, he feels very confident about taking over Attorney Access duties.

HCMP-TC President Tomai introduced guest speakers from GSMOL and turned the microphone over to new GSMOL President, Jim Burr, who made the announcement that Rosemary Tomai's GSMOL membership has been reinstated after being mistakenly terminated several years ago.

President Burr discussed the need for more GSMOL Members and the establishment of more Chapters or a large GSMOL "Superchapter" in Tuolumne County. This approach can be used for those parks that have some members but not an active chapter. Such parks could combine together in a GSMOL Superchapter to work more closely together and qualify delegates for the next convention.

President Burr then introduced Attorney Brian Augusta, GSMOL Legislative Advocate, who reported about pending legislation affecting Mobilehome Owners and the importance of tracking the bills through the legislative process.

Tuolumne County Counsel, Chris Schmidt, also attended and answered several questions.

Rosemary Tomai
President, HCMP-TC
14610 Mono Way, Space #70
Sonora, CA 95370
(209) 532-0889

Hope you folks living in the Mobilehome Parks here in Tuolumne County who were able to attend this meeting will share my appreciation to Ms. Tomai for the time and effort to make this meeting a reality. Also, I wish to express my thank you to the folks in Mill Villa who were super helpful to Rosemary in making this successful as well. The turnout was great, but we do hope future meetings can have even more attendees. There were approximately 75 folks in attendance at this meeting.

One thing that I am personally disappointed with is the number of residents who have been led/misled into a long term rent/lease agreements here in our county. The County's 2009 Report verifies that 77.8% of the residents in our County are under long term leases, even though we have had a Rent Ordinance since January 1, 1996. In my own personal inquiries with many residents, I have learned that they were never offered the option of choosing the length of time as is so clearly depicted in Mobilehome Residency Law (MRL) 798.18; "Length of Agreement; Comparable Monthly Terms" that clearly states, that we as resident homeowners, have the right of choice after moving into a Park.

The information shared by our GSMOL Legislative Advocate, Brian Augusta was very informative. Thank you Brian for coming to Tuolumne County and sharing your input for this meeting. And thanks to GSMOL President Jim Burr for coming from his home in Visalia. Please remember, to follow the status and progress of what is happening in GSMOL, call the toll free number (1-800-888-1727) after 4pm and on weekends for the latest Hotline message. It is updated regularly and quite often during the legislative session.

CANDIDATE ENDORSEMENTS

Elections are opportunities for MH owners to choose who will represent us in making critical decisions affecting homeowner rights, home value, peace of mind and way of life. Too often, elected officials view their election to office as a mandate to push their own ideological agenda rather than an opportunity and duty to truly represent their constituents.

As a MH owner advocacy group, the GSMOL-PAC has "tunnel vision" when considering who to endorse. We focus on who will be most supportive on MH issues and ignore candidates' positions on other issues. Our way of life is seriously threatened and it is crucial that we elect those who will support us. In a general sense, we encourage you to vote for the incumbents who supported us on AB 566 and voted against AB 761 the past two years, which are good indicators of support. For those who voted against AB 566 and for AB 761, we encourage you to support their opponents in the election in the hope they will prove to be more supportive than the incumbent. See the vote tally at the bottom of this page to find out how your Assemblymember and Senator voted and then cast your vote accordingly.

JERRY BROWN FOR GOVERNOR



The GSMOL-PAC endorses Jerry Brown for Governor. To the left is a photo that appeared in the Californian in 1982, showing Mr. Brown signing a bill that ended the "17-Year Rule." If that had not become law, park landowners could have continued denying the in-place sale of mobile/manufactured homes that were older than 17 years of age. Also, Mr. Brown vetoed AB 3788, which would have prohibited local rent stabilization ordinances throughout California. If elected Governor, we are confident Brown will be supportive of MH owner rights and; therefore, is the clear choice for the GSMOL-PAC endorsement.

We fear Meg Whitman would be another "Arnold," who vetoed several GSMOL bills, including condo conversion bills AB 566 and AB 1542, park manager training bill AB 1469 and sewage clean-up bill SB 765 (that had passed in the Legislature with all but one vote in favor). We can't afford another four years of no support!

ASSEMBLY VOTES ON AB 566

AYES (GOOD FOR HOMEOWNERS)

Ammiano Arambula Beall Block
Blumenfield Brownley Caballero Chesbro
Cook Coto Davis De La Torre De Leon
Emmerson Eng Evans Feuer Fong
Fuentes Furutani Hall Hayashi Hill
Huber Huffman Jones Krekorian Bonnie
Lowenthal Ma Mendoza Monning Nava
John A. Perez V. Manuel Perez Ruskin
Salas Saldana Skinner Swanson
Torlakson Torres Torrico Yamada Bass

NOES (BAD FOR HOMEOWNERS)

Adams Anderson Bill Berryhill Tom Berryhill
Blakeslee Charles Calderon Conway
DeVore Fletcher Fuller Gaines Galgiani
Garrick Gilmore Hagman Harkey
Jeffries Knight Logue Miller Nestande
Niello Nielsen Silva Smyth Audra Strickland
Tran Villines

ABSENT OR ABSTAINING

Bradford Buchanan Carter Hernandez
Lieu Portantino Solorio [Vacant Seat]

SENATE VOTES ON AB 566

AYES (GOOD FOR HOMEOWNERS)

Alquist Ashburn Cedillo Corbett
Correa DeSaulnier Ducheny Florez
Hancock Kehoe Leno Lowenthal
Oropeza Padilla Pavley Price
Romero Simitian Steinberg Wiggins
Wolk

NOES (BAD FOR HOMEOWNERS)

Aanestad Calderon Cogdill Cox
Denham Dutton Hollingsworth Huff
Maldonado Runner Strickland
Walters Wyland Yee

ABSENT OR ABSTAINING

Benoit Harman Liu Negrete McLeod
Wright

ASSEMBLY VOTES ON AB 761

AYES (BAD FOR HOMEOWNERS)

Anderson B. Berryhill T. Berryhill Blakeslee
Charles Calderon Conway Davis De Leon
DeVore Duvall Emmerson Eng Fletcher
Fuller Gaines Galgiani Garrick Gilmore
Hagman Hall Harkey Hernandez Hill
Jeffries Knight Logue Ma Mendoza
Miller Nestande Niello Nielsen J.A.
Perez Portantino Salas S. Smyth Solorio A.
Strickland Tran Villines Bass

NOES (GOOD FOR HOMEOWNERS)

Ammiano Arambula Beall Blumenfield
Brownley Caballero Chesbro Cook Coto
Evans Feuer Fuentes Furutani Hayashi
Huber Huffman Jones B. Lowenthal
Monning Nava Ruskin Saldana Skinner
Swanson Torres Torrico Yamada

ABSENT OR ABSTAINING

Adams Block Buchanan Carter
De La Torre Fong Krekorian Lieu
V. M. Perez Torlakson [Vacant seat]



Political advertisement paid for by the GSMOL Political Action Committee (GSMOL--PAC)

GSMOL LEGISLATIVE REPORT

2010 Legislative Session – a Year-End Summary

By Christine Minnehan
and Brian Augusta
September 2010

For those following manufactured housing issues in the state Capitol, the 2009-10 legislative session ended August 31 with little of note to report. Unlike the tumultuous end of last year's session—when AB 761 (vacancy de-control) was very much in play and AB 566 (condo conversions) was the focus of furious grassroots campaign for passage and a signature—this year's session resulted in few mobilehome bills reaching the Governor's desk.

The only bill of controversy remaining in the final days this year was Assemblymember Fuentes' AB 1108, addressing the transfer of sub-metered systems from the parks to utilities. Although the bill had been reduced to a study, the park owners still opposed the bill. The author quietly shelved the bill in the final week.

In the relative quiet of the end of session, however, it would be easy to forget mobilehome owners' June victory in defeating AB 761. With staunch support from our allies on the Senate Judiciary committee, the bill died in that committee, ending any efforts to scale back rent control this year.

However, as we said in the last issue, many expect that WMA and its supporters will try again next year to end or strictly limit rent control in parks. Since the efforts of park owners to dismantle rent control and pursue park conversions are currently losing ground in the courts (see Will

Constantine's article, elsewhere in this issue), it seems even more likely that park owners will turn again to the legislature in their efforts to attack rent control. Meanwhile, many are watching and working on the Governor's

race to determine the prospects of further strengthening the law on park conversions in the coming year. Stay tuned.

Bill	Summary	Status	GSMOL Position
AB 761 (Calderon)	Would have imposed vacancy de-control restrictions on local mobilehome rent control ordinances.	Failed in Senate Judiciary Committee, 1-3. Dead for the year.	OPPOSE
AB 1097 (Strickland)	Under existing law, parks with a sub-metered utility system are allowed to collect a portion of the fees charged to residents. This fee, sometimes referred to as the sub-metered discount, is collected by the park owner to compensate them for the cost of providing and maintaining adequate utility service. Existing law also creates a mechanism for park owners to voluntarily transfer their	Held in Senate Appropriations committee. Dead for the year.	NEUTRAL
	sub-metered systems to the utility. This bill would have, among other things, allowed parkowners to be compensated for the "value" of the sub-meter discount that the park owner would give up by transferring the system.		
AB 1108 (Fuentes)	Would have directed the Public Utilities Commission to open an investigation on the issue of transferring sub-metered systems to the utilities.	Passed from the Senate Appropriations Committee; but held in the Senate. Dead for the year.	SUPPORT
AB 1803 (Nava)	Would have established an MRL mediation program funded by a fee paid by residents and park owners and operated by the Attorney General as a way to resolve disputes.	Failed passed in Assembly Housing. Dead for the year.	SUPPORT
AB 1964 (Torres) & SB 951* (Correa)	Current law providing periodic mobilehome inspection scheduled to "sunset" at the end of the year. Bill would extend program to 1/2019. SB 951 that established an advisory task force (made up of homeowners, park owners and HCD) would extend to 1/2017.	AB 1964 is dead. SB 951 became the vehicle for extending the sunset, and is currently on the Governor's desk. Send letters of support for SB 951 to the Governor.	SUPPORT
AB 2120 (Silva)	Modifies the requirement for management of a mobilehome park to provide all residents with a copy of the MRL each year where there is a significant change. Park owners now may either give a copy of the MRL to each resident, or provide residents with a notice that a copy is available from management.	Signed by the Governor July 15.	NEUTRAL
AB 2439 (Nestande)	Under existing law, a park owner must allow a homeowner to sublet his or her space—subject to certain conditions—if the person must be absent because of a medical emergency that is confirmed by a doctor. Among the conditions, a homeowner using	Held in Assembly Housing Committee. Dead for the year.	OPPOSE
	this provision may not charge the sublessee more than an amount necessary to cover the cost of space rent, utilities, and scheduled loan payments on the mobilehome, if any. This bill would have, additionally, allowed (but not required) a park owner to authorize subletting in cases where there is not a medical emergency, and allow the resident to charge any rent they desire, but would end rent control on the space.		
AB 2029 (Cook)	Would have exempted a manufactured home or mobilehome household whose income is below the federal poverty level from the annual registration fee requirement.	Failed passage in Assembly Housing Committee. Dead for the year.	NEUTRAL

CONDO SUCCESS IN COURT

By mobilehome owner rights attorney, William J. Constantine

On August 31, 2010, GSMOL and the City of Los Angeles were handed a significant victory by the Fourth Appellate District in our fight against the forced conversions of mobilehome parks in the case of *Pacific Palisades Bowl v. City of Los Angeles*, Case No B 216515. In that case, I submitted an amicus brief on behalf of GSMOL that covered two issues regarding the forced conversions of mobilehome parks to subdivisions. The first issue was whether or not Government Code section 66427.5 superseded other California statutes that regulated the preservation of low and moderate income housing, particularly the Mello Act, which requires that any low and moderate income housing that is located in a mobilehome park, which is located in the coastal zone, must be either preserved or replaced when a mobilehome park is converted. The second issue was whether or not section 66427.5's "phase out rent controls" preserved that low and moderate income housing and, therefore, met the requirements of the Mello Act.

In *Pacific Palisades*, the trial court had concluded that section 66427.5 superseded the Mello Act because it stated an expression of the Legislature to limit local authorities' powers to impose conditions on conversions and because section 66427.5's phase out rent controls protected "mostly the same" low and moderate income persons that the Mello Act originally intended to protect. GSMOL's amicus brief argued that, although section 66427.5 limited local authorities from imposing their own conditions to protect the current residents of a park that was to be converted, it did not state the Legislature's intent to supersede other state statutes. GSMOL's amicus brief then

argued that the two statutes did not protect "mostly the same persons" because section 66427.5's "phase out" rent controls were only temporary protections that only applied to a park's current residents and that these protections were inadequate to meet the Mello Act's far greater goal of preserving the long term affordability of the low and moderate income housing units that would be lost if the conversion made them unaffordable.

The Court of Appeal agreed with GSMOL's arguments and ruled that section 66427.5's rental protections had a "considerably more limited focus" than the Mello Act's focus on the long term continued affordability of housing in the coastal zone, that section 66427.5's rent controls only provided temporary projections against economic displacement for the "current non-purchasing residents" and that, as a park's current residents moved out over time, that those limited rent controls ended and the affordability of their housing units are permanently lost. Based on those conclusions, the Court of Appeal ruled that section 66427.5 did not supersede the Mello Act and that its phase out rent controls did not fulfill the replacement housing requirements of the Mello Act.

The Fourth District Court of Appeal's opinion in *Pacific Palisades* extends beyond the limited number mobilehome parks that are located in California's coastal zone because it establishes both that section 66427.5 does not create the wholesale invalidation of other state statutes applying to mobile home park conversions, which the park owners' attorneys have consistently sought, and because it clearly states that section 66427.5's phase out rent controls do not preserve low income housing in the long run, an issue that had also been hotly disputed by

park owners. Since there are numerous other state statutes that apply to mobilehome-park conversions that are located outside of the coastal zone, including those relating to the long-term preservation of low and moderate income housing, GSMOL's victory on these issues in *Pacific Palisades* will benefit all mobilehome owners throughout California.

In a related case, *Colony Cove Properties v. City of Carson* (B219352), the Court of Appeal also gave mobilehome owners a second needed victory when it overturned a trial court's ruling that said a city's role under section 66427.5 was "purely ministerial" and that a city could not consider the results of 66427.5's required resident support survey when deciding to approve or disapprove a mobilehome park conversions under that statute. In the *Colony Cove* decision, the appellate court ruled that, although 66427.5 does not authorize a city to adopt an ordinance that would give residents of a park absolute veto power over conversion, cities can consider the results of a resident support survey in deciding to approve or reject a conversion. What this means is that, under the right circumstances, conversions that a local jurisdiction determines are not "bona fide resident conversions" based on the results of a resident support survey can be turned down on that basis.

What this all means is that we have now won two important victories that put us much further down the road to stopping the forced conversions of mobilehome parks in California than we have been over the last several years. Mobilehome owners throughout California should rejoice over these victories and the pivotal role that GSMOL performed in obtaining the *Pacific Palisades*' victory.

Continued on page 10

CONDO SUCCESS IN COURT

Continued from page 9

However, although we finally now have the courts starting to move in our direction, the fight against the forced conversion of mobilehome parks is likely to be ultimately resolved in the future by the State Legislature and Governor. Twice now our successes in the State Legislature have been vetoed by our Republican Governor because of pressure from his party that is heavily on the side of the park owners on this issue. The election of another Republican Governor will mean more of the same and will likely destroy any victories that we achieve in the courts.

What this means is that, regardless of how mobilehome owners feel about how the two candidates for Governor stand on any other issue, we need to elect a Governor who will support us on this issue and another Republican Governor can simply not be counted on to do that. Many park owners are waiting on the sidelines to decide whether or not to force the conversion of their parks, so no mobilehome owners in California are currently safe. The victory in Pacific Palisades and the partial victory in Colony Cove will not keep them on the sidelines for very long if another Republican Governor is elected who will side with the park owners on this issue. Accordingly, since the election for Governor is likely to be very close, it is going to be your vote in November's election for Governor that is likely to decide whether or not you keep your mobilehome or lose it to the forced conversion of your mobile home park rather than our victories in court, which are certainly needed but will not be enough if we elect another Republican Governor.

Who Deserves Your Vote?

By Christine Minnehan
GSMOL Legislative Advisor

All of us are confronted with choosing the right candidate to represent our interests, both in Sacramento and in our local community. It can be a tough decision until we rank our interests, from most to least important. We all care deeply about many social issues, but our paramount interest is protecting the affordability of our homes, preventing forced condo-conversions and preserving or providing a decent lifestyle in our mobilehome parks. These interests are essential to us.

In the past few years, we have learned the bitter lesson that fewer and fewer legislators make our interests either paramount or even important on their agendas. Yes, we are able to kill bills in the Legislature that would devastate us, but we find it extremely difficult now to pass bills to overturn bad court decisions, or to increase our rights and protections. We must work for and elect more Legislators who will assert our rights, increase our protections, not just occasionally help to kill a particularly egregious bill. (And some purported "friends" would not even help kill Calderon's terrible rent control bill--AB 761.)

We must elect more leaders who will advocate for our issues! When we cast votes for legislative or local candidates, we must choose the one who has a track record of protecting our MHP affordability, lifestyle and rights. If candidates have no track record, then they must commit on the record to do

so—in plain English—if elected. Too often, they make sweeping remarks about helping us, and then go to the Capitol and cast votes with the park owners.

We may be fully aware that we may be casting a vote for the candidate who will protect our MHP interest, but holds different views on social issues. I certainly have participated in discussions with many of you who are troubled by a candidate who has been a staunch supporter in the past but whose stand on immigration, abortion, the environment, taxation, gay rights is divergent. But the legislators who stand with us usually hold "liberal" views on social issues. We must face it. Our issues--rent control, vacancy control, condo-conversion protections, an attorney general mediation program--are all very "liberal" issues! Ironic, isn't it?

Conclusion? We must get out there and work for and vote for our interests. It's not how anyone expected to spend time their retirement, but it sure beats moving in with our children, or worse yet, finding ourselves homeless as many before us have.

Board of Directors Meeting

GSMOL Home Office
11021 Magnolia Street
Garden Grove, CA 92842
Friday October 15, 2010
10:00 AM

"ASK BRUCE"

DOES THE AMERICANS WITH DISABILITIES ACT (ADA) APPLY TO MOBILEHOME PARKS?

Continued from page 5

Because the restrooms that serve the main clubhouse typically also serve members of the public who enter for the purpose of going to the rental office as prospective residents and meeting with management. The ADA probably DOES apply to a clubhouse restroom under the definition of a "public accommodation" of a "rental establishment" or "service establishment". But under current authority, in a conventional mobilehome park where there is no transient or overnight RV lodging, most other areas of the park, including common area facilities open to park residents only, walkways and roadways and mobilehome spaces are NOT covered by the ADA.

Where the ADA does apply, what changes is a Park Owner required to make?

Assuming that an area of the park is covered by the ADA, we next need to define the extent of the park owner's obligation to make a change or repair to the existing premises. The removal of any architectural barrier must be "readily achievable". The Department of Justice (DOJ) holds this to mean that the nature and cost of the repair, and the effect of that cost upon the business, must be analyzed. The DOJ regulations give some clarity as to what may be readily achievable. Examples include:

- Installing ramps and making curb cuts in sidewalks and entrances;
- repositioning or rearranging phones,

tables, chairs, racks, vending machines, etc.;

- widening doors and installing door hardware;
- installing alarm lights;
- installing grab bars in toilet stalls, a raised toilet seat or rearranging lavatory partitions;
- installing a full length bathroom mirror or repositioning a towel dispenser

The DOJ further prioritizes the removal of "architectural barriers" as follows:

1. Provide access to a place of public accommodation from sidewalks, parking or public transportation.
2. Provide access to those areas where goods and services are made available to the public.
3. Provide access to restroom facilities.

What do residents need to do in order to force the Park to comply with the ADA?

First write a polite letter to management which describes the problem and requests the repairs. If no response is received within 14 days, or the answer is "no", then I would recommend that the residents contact the U. S. Dept. of

Justice via the Attorney General's office, Civil Rights Division. A violation of the ADA also constitutes a violation of the California Unruh Civil Rights Act and the Disabled Persons Act, which means that the California Attorney General's office could also become involved. Each case needs to be carefully considered based upon its unique facts and the types of facilities or conduct at issue. It is clear that a park owner who simply says that "private property is not covered by the ADA" is not correct. But while limited portions of the common areas might be covered, most areas of the park will usually not be covered by the ADA.

Not Sure When Your Membership Expires?

Look above your address on the front cover to determine when you need to renew. Renewing early saves us the cost of sending you reminders and doesn't shorten your total membership term. Refer to the top of page 2 on how to read your expiration date.

Have a Good Park Owner?

If you have a good park owner and manager you feel are worthy of acknowledgement, let us know and we might do an article on your park. We know there are many good park owners and want to give them credit for doing a good job and treating homeowners fairly.

ROBERT IS BOTHERED

I am sure there are many different things or pet peeves that bother many people in many different ways. I have several subjects that bother me on my daily ventures into the land of mobile-home residents. I get to meet and greet many interesting people. All of which are quite normal, they are able to sit and talk, some are disabled, some not, but for the most part they are creatures of habit. Just plain nice folks.

I get to see and hear first hand as to why they choose the lifestyle of living in a mobilehome/manufactured home community. Not much different than the other citizen who resides in a stick built home or a concrete home, or even today, a straw home. Strange how time has changed the perceptions of a home. However, that other citizen does not have to live under the rules, regulations of a PARK MANAGER. Now this is a horse of several colors. Some are colorful just in their everyday language. Some are colorful just in their everyday attire, and one would think that the Salvation Army was having a clothing sale. However, they are human beings. Placed in a job of enormous responsibility that requires tact, diplomacy, education and patience. Remember, most of these residents in these mobile/manufactured home communities are seniors, some over 65 years of age and older. It is extremely sad to see how they are treated. It is heart breaking to see them cry upon their kitchen table. I have lost several handkerchiefs providing comfort to a woman and at times an elderly man. Some Park Managers are nothing more than paid outlaws, with a temperament of a mule that has not been fed or cared for. They establish themselves as the ultimate ruler in the community and what they

say goes. Don't mess with them or they will evict you. How sad, that these men have to stoop to such tactics as to threaten the daily activities of elders who are in their golden years and just want to be left alone to tend to their small plants, walk their small dogs, and create a loving home environment for visiting grandchildren and family members. But no, not to be, when Freddie the golf cart wizard comes rolling around the corner yelling at the top of his lungs that "If I've told you once I've told you a 1000 times (that's a lot of telling), to keep your gate closed." Apparently, the Park Manager has a fetish for gates or other items that he feels need to be yelled at. Strange, very strange. It would be so much simpler if the Park Manager approached the person responsible for the gate that was opened due to human traffic coming thru as the unloading of groceries at the recent Safeway was being unloaded. It is sort of hard to keep opening and closing the gate with your hands full of grocery bags. Well so much for common sense. The Park Manager had none and he was able to be spoken to by me. We had such a nice conversation. I actually informed him that yelling and screaming was against his own park rules and the Mobilehome Residency Laws (which he did not know what MRL stood for). I wonder why? Anyway, he was my subject for my ROBERT IS BOTHERED. Simply put the situation back on your Manager, you have to be smarter than they are, and in most cases you are. Just remember, that you have lived longer and they will wish they could live that long. Be proud of who you are, stand tall and do not let anyone tell you different. When I say

NUMBER, YOU SAY ONE. That's right. You are all number one. Stayed tuned, my next edition will be talking about female Park Managers. Smile, let's look good for that camera.

This is Robert Hites, GSMOL Associate Regional Manager for Regions 4, 11, 14. My telephone number is 530-743-2965 and my e-mail is roberthites@comcast.net.

Suffering from High Rent Increases?

We are documenting some of the most outrageous rent increases in California so we can create charts and graphs to visually depict the abuse suffered by homeowners, especially considering these difficult economic times. We already have evidence of some MH lot rents surpassing three-bedroom apartment rents within the same area of Orange County and want to add more cases to our collection. We ask that you provide a history of annual rent increases going back as long as possible to a GSMOL leader in your area.

NEWS AROUND THE STATE

Zone B-1 Region 10 July 26, 2010

Justice Wendy Clark Duffy, 6th Appellate District Court in San Jose, upheld a 2007 Capitola City Council rule that mobile home park owners should reduce rent if services promised to tenants are not maintained.

Capitola had ordered Cabrillo Mobile Home Park owner Vieira Enterprises Inc., to refund tenants 5 percent — a total of \$68,660 — of their rent paid over 79 months after the clubhouse was closed, cable TV, phone, sewer and power utilities were not maintained, and management services were cut. The ruling upholds a 2008 Santa Cruz County Superior Court finding in favor of the city, resulting from a Vieira Enterprises suit to overturn the City's initial ruling.

Vieira Enterprises is considering its option to appeal the District Court's decision.

Zone D Region 7 August 30, 2010

A request by the owners of Cavalier Mobile Estates to subdivide the park lots in a "condo conversion" was rejected by the Oceanside City Council in a 3-2 vote.

The park rents spaces to tenants, and rent raises are in accordance with the consumer price index. If the council had approved the subdivision, the owners would have been able to raise rents to market rates in four years.

The park owners had unsuccessfully attempted to raise space rent beyond the consumer price index before applying for the subdivision. The Council majority felt the re-

quest was an attempt to circumvent the City's rent-control ordinance.

Zone B-1 Region 8 August 28, 2010

The owners of the Thunderbird Oaks Mobile Home Park in Thousand Oaks have applied for a rent increase of \$323 a month for the park's 161 spaces. That's a more than \$620,000 revenue increase per year for the park owner at the rent-controlled senior park, where most residents live on fixed incomes. For some it will be nearly a 100 percent jump. The Thousand Oaks rent stabilization commission will meet Oct. 5 to consider the increase request, which is significantly over the nominal increase limit allowed.

Zone A-1 Region 1 August 12, 2010

A "condo conversion" request by the owner of the 178-unit Country Mobile Home Park in Santa Rosa was rejected by the Santa Rosa Planning Commission.

The 6-0 vote was based on Commission members noting the strong opposition by the mostly low-income residents, and that it is an apparent sham conversion, not for the benefit of the residents, but aimed at avoiding rent control. Commissioners also felt it would put the entire, predominantly senior citizen community at risk of being homeless.

EVERYONE IN YOUR PARK SHOULD BE REGISTERED TO VOTE...

I am voter registration chair of some groups I belong to I urge ALL CLUB OFFICERS to go throughout your parks to help residents register to vote. All it takes is a clipboard and forms that can be obtained through the County Registrar of Voters. We need more of our residents voting and taking part in our system to ELECT OUR CANDIDATES WHO WILL SUPPORT US and our legislation in Sacramento and Washington.

Everyone has to register to vote if they:
MOVE TO A NEW MOBILEHOME
(Even next door)

HAVE NOT VOTED IN SEVERAL ELECTIONS

CHANGED THEIR NAME
CHANGED PARTIES

One person in each club, or park, should be in charge of registering voters Richard Hofmann, Assoc. Mgr. Region 2

**Re-vamped
website up and
running...check it
out!**

www.gsmol.org

Woods Mobile Country Club, GSMOL Chapter #0634, Clovis elects new officers:

From left: Lorraine Kincaid--President; Marilyn Winn--Vice President; Jim Mayhew--Secretary/Treasurer and Jim Gullion--Zone B Vice President.

Region 2 Associate Manager, Larry Asp, receives a GSMOL Legacy Award from Zone A Vice President, Lloyd Logan

The Willows, Chapter #1605 Fresno, CA Officers: From left; Wanda Hoffberg--Secretary/Treasurer, Ralph Jones--Vice President and Byron Pretzer--President.



GSMOL WHO'S WHO

ZONE A

(REGIONS 4, 11 & 14)

REGION 4

COUNTIES: Butte, Glenn, Shasta, Siskiyou, Tehama and Trinity

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REGION 11

COUNTIES: Amador, El Dorado, Lassen, Modoc, Nevada, Placer, Plumas and Sierra

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REGION 14

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ZONE A-1

(REGIONS 1 and 2)

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ZONE B

(REGIONS 12 and 13)

REGION 12

COUNTIES: Fresno, Inyo, Kern, Kings, Madera and Tulare
[Vacant]

REGION 13

COUNTIES: Alpine, Merced, Calaveras, Mariposa, Mono, San Joaquin, Stanislaus and Tuolumne

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ZONE B-1

(REGIONS 8 and 10)

REGION 8

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COUNTIES: Monterey, San Benito and Santa Cruz

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ZONE C

(REGIONS 3, 5 and 6)

REGION 3

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REGION 5

Orange County
[Vacant]

REGION 6

San Bernardino County
[Vacant]

ZONE D

(REGIONS 7 and 9)

REGION 7

COUNTIES: San Diego and Imperial

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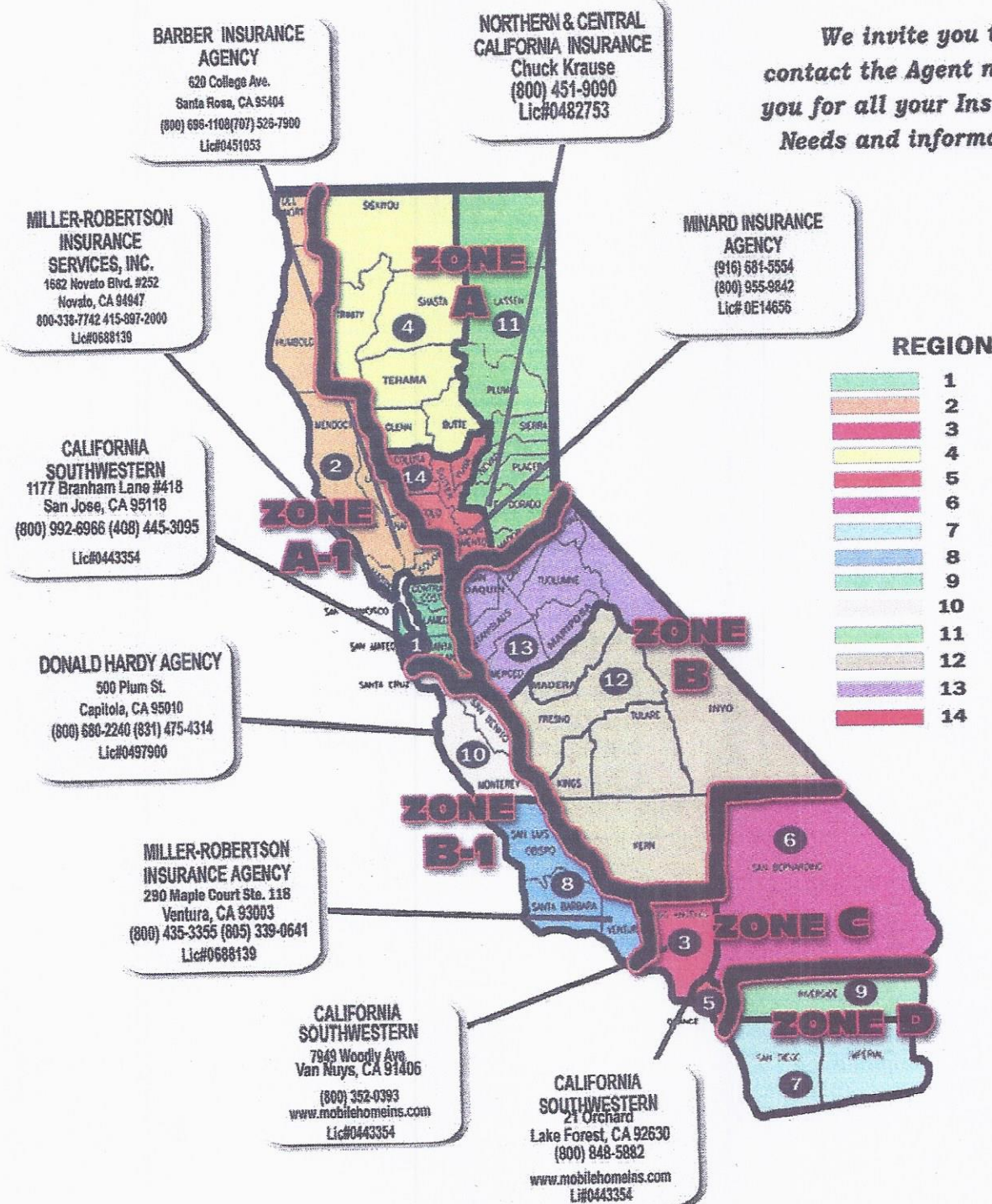
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With DECADES of experience as MOBILEHOME INSURANCE SPECIALISTS, we are here to ADVISE you of what is AVAILABLE and ASSIST you in obtaining WHAT IS BEST for YOU personally. Contact the nearest agent and see for yourself!

INSURANCE AGENTS EDUCATION NETWORK

We invite you to contact the Agent nearest you for all your Insurance Needs and information!



FIVE FOR FIVE REWARDS PROGRAM

APPLICATION FOR REWARD

(New members only - no renewals)

Mail or fax completed form to the home office, Fax No. (714) 826-2401

Please fill in new members' names, park, space number, and when they joined, below and mail or fax to the home office. After verifying by the home office, a \$5 reward check will be mailed to the individual or chapter named at the bottom of this form. Please send in all new membership applications as soon as you receive them. Do not hold them for this program. This program only requires that you keep track of who they are, and list them on this form.

(More than one person living in the same home and paying one membership dues count as one member for this program.)

PLEASE PRINT LEGIBLY

NEW MEMBERS' NAMES

PARK NAME

SPACE NO. MONTH AND YEAR JOINED

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please send \$5 reward check to:

_____ name

_____ address

(Note: If the reward is going to a chapter's treasury and the chapter does not have a bank account, the check should be made out to and mailed to a chapter officer. The officer can then cash the check and put the money into the chapter treasury.)

use this Application to give a "Gift of Membership" to a non-member!

MEMBERSHIP APPLICATION

GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE, INC. 800/888-1727 714/826-4071



- ☐ ONE-YEAR GSMOL MEMBERSHIP for \$25
- ☐ THREE-YEAR GSMOL MEMBERSHIP for \$70
- ☐ ONE-YEAR ASSOCIATE MEMBERSHIP for \$50
(Associate members do not own manufactured homes. They do not have voting rights and cannot hold office in GSMOL.)

Comments (For Office Use):	First Name	Initial	Last Name
	Spouse/ Second Occupant		
	Park Name	Park Owner	MGMT. Co.
	Street Address		Space Number
	City	State	Zip Code
	Daytime Phone Number		Alternate Phone Number
	Email Address		
	Signature		Membership Recruiter (if applicable)

- ☐ New Member
- ☐ Renewing Member

GSMOL Chapter # _____

Check # _____ / CASH

You can also contribute to any of the following GSMOL dedicated funds:

DEFENSE IN THE COURTS \$ _____

DEFENSE AT THE CAPITOL \$ _____

Disaster Relief Fund \$ _____

Enforcement Legal Fund (ELF) \$ 10

DETACH AND KEEP FOR YOUR RECORDS Thank you!
Date _____
Amount _____
Check # _____



FILL-OUT AND RETURN THIS FORM ALONG WITH YOUR CHECK TO: GSMOL, 11021 MAGNOLIA ST., GARDEN GROVE, CA 92841